

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION**

THIS DOCUMENT RELATES TO:

LARRY BARNES, et al.

Plaintiffs,

v.

NATIONAL FOOTBALL LEAGUE, et al.,

Defendants.

MDL No. 2323
No. 12-md-2323-AB

CIVIL ACTION
Case No. 2:12-cv-1024

**RIDDELL DEFENDANTS' NOTICE OF MOTION AND MOTION TO DISMISS
PLAINTIFFS' SECOND AMENDED COMPLAINT; EXHIBIT "A"**

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Attorneys for Defendants RIDDELL, INC.; ALL AMERICAN SPORTS CORPORATION; RIDDELL SPORTS GROUP, INC.; EASTON-BELL SPORTS, INC.; EASTON-BELL SPORTS, LLC; EB SPORTS CORP.; and RBG HOLDINGS CORP.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LARRY BARNES, et al.,

CASE NO. CV 11-8396 R (MANx)

Plaintiffs,

**RIDDELL DEFENDANTS' NOTICE
OF MOTION AND MOTION TO
DISMISS PLAINTIFFS' SECOND
AMENDED COMPLAINT; EXHIBIT
"A"**

vs.

NATIONAL FOOTBALL LEAGUE,
et al.,

Defendants.

Date: January 17, 2012
Time: 10:00 a.m.
Dept: Courtroom 8

Judge: Hon. Manuel L. Real

Notice of related cases:
No. CV 11-08395 R (MANx)
No. CV 11-08394 R (MANx)

1 **TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR**
2 **THE CENTRAL DISTRICT OF CALIFORNIA AND ALL PARTIES AND**
3 **THEIR COUNSEL OF RECORD HEREIN:**

4 **PLEASE TAKE NOTICE THAT** on January 17, 2012, at 10:00 a.m., or as
5 soon thereafter as the matter may be heard in Courtroom 8 of the United States
6 District Court, Central District of California, Western Division, located at 312 N.
7 Spring Street, Los Angeles, California 90012, Defendants Riddell, Inc.
8 (erroneously styled as “d/b/a Riddell Sports Group, Inc.”); All American Sports
9 Corporation; Riddell Sports Group, Inc.; Easton-Bell Sports, Inc.; Easton-Bell
10 Sports, LLC; EB Sports Corp.; and RBG Holdings Corp. (collectively, the “Riddell
11 Defendants”)¹ will move the Court for an order pursuant to Rules 8 and 12(b)(6) of
12 the Federal Rules of Civil Procedure (“FRCP”) to dismiss all Plaintiffs’ claims in
13 the three related actions styled as *Maxwell v. National Football League, et al.*,
14 Case No. CV 11-8394 R (MANx), *Pear v. National Football League, et al.*, Case
15 No. CV 11-8395 R (MANx), and *Barnes v. National Football League, et al.*, Case
16 No. CV 11-8396 R (MANx), in their entirety.

17 The Riddell Defendants refer this Court to their Memorandum of Points and
18 Authorities in support of its Motion to Dismiss Plaintiffs’ Amended Complaints
19 filed in the related case, *Vernon Maxwell, et al. v. National Football League, et al.*
20 (Case No. 11-8394 R (MANx)). The Riddell Defendants incorporate that
21 memorandum and those arguments from *Maxwell* as if made fully herein.²

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23 ¹Referring to these Defendants collectively does not imply or concede that they are
24 properly joined or named as Defendants, and the “Riddell Defendants” reserve the
25 right to move to dismiss some or all of them. The collective reference is merely
26 for convenience.

27 ² A true and correct copy of the Riddell Defendants’ Memorandum of Points and
28 Authorities in support of its Motion to Dismiss Plaintiffs’ Amended Complaints
filed in the related case of *Vernon Maxwell, et al. v. National Football League, et al.* (Case No. 11-8394 R (MANx)) is attached hereto as Exhibit “A.”

1 The Riddell Defendants further base this Motion on the pleadings, records, and
2 files in this action, and such other and further evidence and argument as may be
3 presented at the time of the hearing.

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5 DATED: December 20, 2011

BOWMAN AND BROOKE LLP

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8 By /s/ Paul G. Cereghini

9 Paul G. Cereghini

10 Vincent Galvin

11 Marion V. Mauch

12 Attorneys for Defendants RIDDELL,
13 INC.; ALL AMERICAN SPORTS
14 CORPORATION; RIDDELL
15 SPORTS GROUP, INC.; EASTON-
16 BELL SPORTS, INC.; EASTON-
17 BELL SPORTS, LLC; EB SPORTS
18 CORP.; and RBG HOLDINGS
19 CORP.

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